

HOUSE BILL 1309

G2, A1

0lr3268

By: ~~Delegates Mathias and Conway~~, Conway, and Elmore

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Somerset and Worcester Counties – Liquor Control Boards – Ethics**

3 FOR the purpose of including the Liquor Control Board for Somerset County and the
4 Liquor Control Board for Worcester County in the definition of “executive unit”
5 as it relates to the Maryland Public Ethics Law to clarify that the Maryland
6 Public Ethics Law applies to both liquor control boards; ~~specifying that the~~
7 ~~members and employees of both liquor control boards are public officials for~~
8 ~~certain purposes~~; and generally relating to the Liquor Control Board for
9 Somerset County and the Liquor Control Board for Worcester County.

10 BY repealing and reenacting, without amendments,

11 Article – State Government
12 Section 15–101(b) and 15–102(a)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – State Government
17 Section 15–102(m) ~~and 15–103(b)~~
18 Annotated Code of Maryland
19 (2009 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – State Government**

2 15–101.

3 (b) For the purpose of guarding against improper influence, the General
4 Assembly enacts this Maryland Public Ethics Law to require certain government
5 officials and employees to disclose their financial affairs and to set minimum ethical
6 standards for the conduct of State and local business.

7 15–102.

8 (a) In this title the following words have the meanings indicated unless:

9 (1) the context clearly requires a different meaning; or

10 (2) a different definition is adopted for a particular provision.

11 (m) (1) “Executive unit” means a department, agency, commission, board,
12 council, or other body of State government that:

13 (i) is established by law; and

14 (ii) is not in the Legislative Branch or the Judicial Branch of
15 State government.

16 (2) “Executive unit” includes:

17 (i) a county health department unless the officials and
18 employees of the department are expressly designated as “local officials” in § 15–807 of
19 this title;

20 (ii) the office of the sheriff in each county; **[and]**

21 (iii) the office of the State’s Attorney in each county;

22 **(IV) THE LIQUOR CONTROL BOARD FOR SOMERSET**
23 **COUNTY; AND**

24 **(V) THE LIQUOR CONTROL BOARD FOR WORCESTER**
25 **COUNTY.**

26 ~~15–103.~~

27 ~~(b) Except as provided in subsection (f) of this section, the following~~
28 ~~individuals in executive units are public officials:~~

1 ~~(1) an individual who receives compensation at a rate equivalent to at~~
2 ~~least State grade level 16, or who is appointed to a board, if the Ethics Commission~~
3 ~~determines under § 15-208 of this title that:~~

4 ~~(i) the individual, acting alone or as a member of an executive~~
5 ~~unit, has decision making authority or acts as a principal advisor to one with that~~
6 ~~authority:~~

7 ~~1. in making State policy in an executive unit; or~~

8 ~~2. in exercising quasi-judicial, regulatory, licensing,~~
9 ~~inspecting, or auditing functions; and~~

10 ~~(ii) the individual's duties are not essentially administrative~~
11 ~~and ministerial;~~

12 ~~(2) any other individual in an executive unit, if the Ethics Commission~~
13 ~~determines that the individual, acting alone or as a member of the executive unit, has~~
14 ~~decision making authority or acts as a principal advisor to one with that authority in~~
15 ~~drafting specifications for, negotiating, or executing contracts that commit the State or~~
16 ~~an executive unit to spend more than \$10,000 in a year;~~

17 ~~(3) a member, appointee, or employee of the Maryland Stadium~~
18 ~~Authority;~~

19 ~~(4) a member, appointee, or employee of the Canal Place Preservation~~
20 ~~and Development Authority; [and]~~

21 ~~(5) a member of the Emergency Medical Services Board;~~

22 ~~(6) A MEMBER OR AN EMPLOYEE OF THE LIQUOR CONTROL~~
23 ~~BOARD FOR SOMERSET COUNTY; AND~~

24 ~~(7) A MEMBER OR AN EMPLOYEE OF THE LIQUOR CONTROL~~
25 ~~BOARD FOR WORCESTER COUNTY.~~

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.